

Case No.: 4:11-cv-00883-KOB

b. The Defendant shall have until **January 31, 2012** to join any additional parties.

3. Initial Disclosures:

The parties will exchange by **July 29, 2011** the initial disclosures required by Rule 26(a)(1).

4. Pleadings:

- a. The Plaintiff shall have until **December 31, 2011** to amend the pleadings.
- b. The Defendant shall have until **January 31, 2012** to amend the pleadings.

5. Dispositive Motions:

All potentially dispositive motions must be filed by **May 7, 2012**. Responses are due by **May 28, 2012**. Replies due by **June 11, 2012**.

6. Expert Testimony:

Unless modified by stipulation of the parties, the disclosure of expert witnesses - including a complete report under Fed. R. Civ. P. 26(a)(2)(B) from any specially retained or employed expert - are due:

- a. From the Plaintiff: **December 15, 2011.**
- b. From the Defendant: **January 15, 2012.**

7. Discovery Plan: The parties jointly propose to the Court the following discovery plan:

Discovery is needed on the following subjects - Plaintiff's claims and damages, Defendant's liability and defenses, including non-liability and damages.

Settlement cannot be realistically evaluated prior to some discovery.

- a. Unless modified by stipulation of the parties:

Depositions:

Maximum of seven (7) depositions for the Plaintiff and seven (7) depositions for the Defendant, with a maximum time limit of seven (7) hours per deposition, excluding breaks and lunch.

Interrogatories:

Maximum of 30 by each party to any other party, with responses due 30 days after service.

Requests for Admission:

Maximum of 30 by each party to any other party, with responses due 30 days after service.

Requests for Production:

Maximum of 30 by each party to any other party, with responses due 30 days after service.

Supplementation:

Supplements under Rule 26(e), Fed. R. Civ. P., are due 30 days before the close of discovery.

- b. Unless modified by court order for good cause shown, all discovery must be commenced in time to be completed by **April 6, 2012**.
- c. With respect to any electronically-stored information that is identified or requested during the course of discovery, such documents, to the extent reasonably accessible or otherwise not objectionable, will be produced either as a hard copy on paper, or stored on a CD or DVD in their native format or in .pdf file.

8. Pre-Trial Conference:

The parties request a final pre-trial conference in **June, 2012**.

9. Trial: This case should be ready for trial by **July, 2012**, and at this time is expected to take approximately 2-3 days for trial.

10. Final Lists: Final lists of trial witnesses and exhibits under Fed. R. Civ. P. 26(a)(3) must be served and filed:

- a. By the Plaintiff: Thirty (30) days before the trial date.
- b. By the Defendant: Thirty (30) days before the trial date.

Objections are to be filed within fourteen (14) days after service of final lists of trial witnesses and evidence.

11. Scheduling Conference:

The parties do not request a scheduling conference prior to the entry of the Scheduling Order.

Submitted this the 7th day of July, 2011.

Respectfully submitted,

/s/ Joseph A. Hutchings

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